

### **REMARKS**

The Office Action dated July 28, 2004 has been carefully considered. Claims 1 and 9 have been amended. Claims 1-15 are in this application.

The previously presented claims 1-5 and 9-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,099,521 to Nestor et al. Applicant submits that the teachings of this reference does not teach or suggest the invention defined by the present claims.

Nestor et al. disclose a surgical retractor for retaining the mouth and lips in an open position during mouth and jaw surgery. A mouth gag is sized to fit concentrically at a spaced distance about the head. The mouth gag comprises a ring 21. A plurality of connectors 30 are releasably mounted along the ring 21. Each of the connectors 30 include an adjustable post 33 and a connect anchor 34. The adjustable post 33 provides axial movement to the ring. A beaded chain 35 is connected to connect the anchor 34. A retractor is attached to the beaded chain for retraction and widening of the mouth opening.

In contrast to the invention defined by the present claims, Nestor et al. do not teach or suggest that a gripping device is used to retract fat folds or excess skin folds interfering with diagnostic or surgical procedures. Rather, Nestor et al. teach a mouth gag for widening a mouth opening, but do not teach or suggest that excess skin folds or fat folds can be retracted. As shown in Fig. A and Fig. B of the appendix attached here to, the present invention is used to effectively retract excess skin and fat folds of the bannus from interfering with diagnostic or surgical procedures, such as making a surgical incision below the bannus. In the present invention, the elongate arm extends over the chest of a patient for allowing the gripping device to grasp and retract body skin folds and fat folds. In contrast, Nestor et al. teach a ring for fitting over a mouth opening.

Furthermore, Nestor et al. do not teach or suggest a device including an elongate arm having a plurality of open channels in which a plurality of flexible elements are adapted to each be received in one of the open channels. Instead, Nestor et al. teaches a complicated connector including an adjustable post and connect anchor attached to the adjustable post. Moreover, contrary to the Examiner's suggestions, Applicant submits that a post is not an open channel. There is no teaching or suggestion in Nestor et al. that an elongate arm

includes a plurality of open channels each adapted for directly receiving a flexible element. The present invention provides a simple arrangement for expeditiously adjusting a flexible element. The flexible element of the present invention allows the fat folds or excess skin folds to be comfortably retracted during a diagnostic or surgical procedure.

With regard to claim 2, Applicant submits that Nestor et al. do not teach or suggest a flexible element including a plurality of raised portions adapted to be received by the open channel.

With regard to claim 9, Applicant submits that Nestor et al. do not teach or suggest the steps of positioning a device over body fat folds or excess skin folds and positioning flexible elements through open channels of an elongate arm in which raised portions of the flexible element hold the flexible element in a temporary fixed position for retracting fat folds and excess skin folds interfering with a diagnostic or surgical procedure. Accordingly, since Nestor et al. do not teach each of the claimed elements of the present invention, the invention defined by the present claims is not anticipated by Nestor et al. and Applicant respectfully requests withdrawal of this rejection.

Claims 7-9 were rejected under 35 U.S.C. § 102 as obvious in view of Nestor et al. in combination with U.S. Patent No. 5,709,646 to Lange.

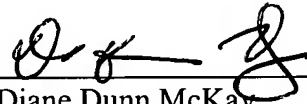
Lange teaches an elastic, sterile and disposable cover pad secured over a surgical retractor to reduce slipping of the retractor in the body cavity. In contrast to the invention defined by the present claims, Lange does not teach or suggest that a gripping device is used to retract fat folds or excess skin folds interfering with diagnostic or surgical procedures. Lange is only directed to a disposable cover. Further, Lange does not teach or suggest a device including an elongate arm having a plurality of open channels in which a plurality of flexible elements are adapted to each be received in one of the open channels.

Accordingly, Lange does not cure the deficiencies of Nestor et al. noted above and the invention defined by the present claims is not obvious in view of Nestor et al. in combination with Lange.

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

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